

Mr. Paul E. Stacey
Department of Environmental Protection
Bureau of Water Protection and Land Reuse
Planning and Standards Division
79 Elm Street
Hartford, CT 06106-5127



Testimony in support of the Proposed Stream Flow Standards and Regulations

Dear Mr. Stacey,

As President of the Thames Valley Chapter of Trout Unlimited, I am writing today to express my support for the Proposed Stream Flow Standards and Regulations.

Our chapter represents 430 members living in towns located throughout Eastern Connecticut, and has been actively involved since the early 1980s in working to preserve, protect and restore the coldwater habitat of our local rivers and streams.

Some of our more recent restoration accomplishments are: improvements to the Latimer Brook fish ladder, replacement of a condemned walkway over the spillway at Hewitt's Fly Fishing Pond, and restoration of riparian vegetation at the Merrick Brook Waldo Wildlife Management Area. These efforts were the result of numerous hours of volunteer commitment over the past five years by our Chapter members, a dedicated group of conservationists passionate about Connecticut's water quality and ecology.

As an organization, Trout Unlimited's mission in Connecticut is to preserve, protect and restore the state's coldwater resources. We accomplish this mission through: Protecting our water resources; Reconnecting fragmented habitat to open entire river systems to spawning; Restoring damaged and degraded river sections to provide year-round habitat for trout and aquatic species; Sustaining these efforts through our education and outreach to Connecticut residents and students to help them understand the importance of good stewardship and the inherent value of our coldwater resources.

Much of our success is owed to the close partnership, guidance and funding of the Connecticut Department of Environmental Protection and its dedicated and experienced staff. We look forward to a continued collaborative effort to protect, restore and improve our local rivers.

The importance of the Proposed Stream Flow Standards and Regulations, and the impact they will have on improving the quality of one of our state's most precious natural resources, cannot be emphasized enough.

They have been a long time in coming and given the 30 years since Connecticut's regulations were last modified, the time is now to implement stream flow standards which will help preserve and improve the state's rivers and streams while providing protection to water supplies for human needs.

Our rivers and streams already face an abundance of threats such as habitat fragmentation due to dams, culverts and other passage barriers and ever-increasing development throughout our watersheds and along our watercourses. While these threats can be, and are being addressed through Trout Unlimited's active advocacy, education, outreach and restoration initiatives, the one key aspect of a healthy river system which cannot be adequately addressed at the grass-roots level is the presence of natural water flows. The proposed regulations are the only way to ensure that a consistent, natural flow will exist in all of Connecticut's rivers and streams, providing the needed habitat to allow trout and other species to survive and thrive.

I believe the most significant aspects of the proposed regulations is that they will apply to every river and stream in Connecticut and have the inclusion of standards for groundwater withdrawal.

The majority of our suburban and rural residents depend on groundwater because Connecticut law presently prohibits drinking water to be taken from surface water systems, such as our lakes and larger rivers that receive certain discharges. This puts enormous pressure on groundwater reserves and on those few clear streams that receive no discharges and which often support wild trout.

Careful study, implementation and monitoring of the cumulative effects of groundwater withdrawal on the stream flows of rivers throughout our state are also vital to ensuring these regulations have their desired effect.

In reading the regulations, I see that a lot of thought and good science was applied and I applaud the efforts of all individuals who contributed their time, knowledge and experience. I am not an expert but I believe the proposed regulations have areas that should be strengthened and respectfully offer comment on sections that should be considered for revision.

The proposed regulations should be strengthened, particularly when it comes to urban rivers designated as Class 4. A Class 4 classification will provide virtually no stream flow protections for a river, severely limiting any chance that the stream can remain viable habitat for trout or any aquatic life. The regulations seem inconsistent in requiring Class 4 streams to meet current "stocked stream" standards while the Statement on Purpose on page 22 states that these old standards are being eliminated.

It is important that groundwater withdrawals do not result in excessive flow reductions in nearby streams, or even worse, the complete drying out of a streambed, which has happened on the Fenton River in my chapter's area. At the lowest flow periods, when the stress is greatest on trout and other aquatic life, cutting back or eliminating groundwater withdrawals which would impact stream flows is essential.

The narrative standards in 26-141b-4 of the regulations set an excellent, high moral standard for our streams that the standards in 26-141b-6 may not live up to. At times of low flow during the interim 5 -10 year period it is possible or even likely that a stream can be pumped dry. If the stream has a natural flow near bioperiod Q99 it takes only two diverters on a Class 3 stream (four on a Class 2 stream) to legally remove all the water under the proposed regulation. I recommend that a minimum stream flow of at least Q99 be guaranteed by stopping diversions whenever a stream's flow reaches that level. This should apply to all stream classes including Class 4 streams. This flow falls well below the narrative standard but at least provides a minimal amount of water for aquatic life.

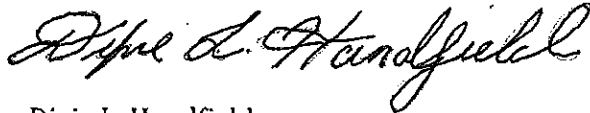
The regulations are silent about how diverters or the DEP will determine the allowed flow for the multitude of streams in the state that do not have historical USGS flow information. How can a diverter determine what is allowed and how can an organization such as Trout Unlimited argue for greater flow for aquatic life if there is no data? The regulations should cover the procedure that will be used in these, the majority, of cases.

Section 26-141b-5(c), which covers petitions to change class is heavily weighted towards degrading the class of a stream and provides little emphasis or guidance on requirements to upgrade the class of a stream to a lower class number. In my opinion this will lead to greater and greater withdrawals over time. Equal emphasis should be given to changing the classifications both up and down. Section 26-141b-5(c) (1) (B) lists things to consider in downgrading a class but doesn't provide equal time to how a class might be upgraded.

In the 10+ year period after a stream class is set, all users withdrawing water have to somehow get together and prorate their withdrawals to meet the overall limit on withdrawal. I do not trust this to come about and if it doesn't, how will DEP prorate the withdrawals? I believe this should be written into the final regulations. I would support a prorating scheme based on actual withdrawals say in 2009 adjusted for permitted withdrawals after that date and for applications for permits that have been submitted. DEP could allow each diverter a fraction of the water available based on the ratio of the available water for withdrawal divided by the total requested withdrawal. The base year could be stepped forward in time as new diverters come onboard. I believe that choosing a base year after 2009 would encourage withdrawing more water now to get a larger portion of later withdrawals.

I appreciate having the opportunity to comment and hope that my comments will be considered as you go through the process of finalizing the proposed regulations.

Sincerely,

A handwritten signature in cursive script that reads "Dixie L. Handfield". The signature is written in dark ink and is positioned above the printed contact information.

Dixie L. Handfield
185 Norwich Avenue
Lebanon, CT 06249
President
Thames Valley Chapter of Trout Unlimited